UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/SR.49
10 March 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 March 1993, at 7 p.m.

Chairman: Mr. FLINTERMAN (Netherlands)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-11567 (E)

The meeting was called to order at 7.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1993/7-E/CN.4/Sub.2/1992/55, E/CN.4/1993/36-41 and Add.1, 42-49, 75 and 76, 79, 82, 86, 95, 99 and 102; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31 and 38; E/CN.4/1992/29, 30 and Add.1, 32-34, 50 and Add.1, and 51; A/47/240, 367 and Add.1, 596, 617, 621, 625 and Corr.1, 651 and 656)

1. Mr. AL-DOURI (Observer for Iraq) said that in presenting his report on the situation of human rights in Iraq (E/CN.4/1993/45), the Special Rapporteur had provided information and evidence the credibility of which had not been verified. The Special Rapporteur should have adopted a more serious attitude in carrying out his mandate.

2. In examining the human rights situation in his country, two issues must be borne in mind. First, in the current critical period of its history, Iraq was concentrating its efforts on maintaining its independence and sovereignty by all legitimate means and on repairing its infrastructure damaged by the recent aggression against it. However, the Special Rapporteur had approached the issue of Iraq's sovereignty in a manner contrary to international law and had referred to obligations undertaken under international treaties and to Security Council resolutions. It should be borne in mind that treaties related to a specific framework which should not be circumvented. Similarly, the Security Council resolutions were political in nature and should not be interpreted extensively. Otherwise, such an approach would run counter to the spirit of the Charter of the United Nations. In that connection, he said that the Security Council resolutions adopted during and after the Gulf crisis had all stressed Iraq's sovereignty and national integrity.

3. Second, with regard to the right to life, he said that in view of the economic blockade, his Government had been focusing its attention on ways to ensure that the population received food and medical care. However, the Special Rapporteur had either ignored those two issues or exploited them in order to achieve a political objective, that of undermining Iraq's sovereignty.

4. His delegation believed that the Special Rapporteur's mandate was no longer justifiable, particularly since his most recent report merely repeated what had appeared in his previous reports. Furthermore, the Special Rapporteur's information came from persons known for their connections with hostile neighbouring countries or with Western coalition countries. In his delegation's opinion, the Special Rapporteur was investigating questions irrelevant to his mandate and had achieved nothing other than serving the political purposes of countries hostile to Iraq.

5. With respect to the Special Rapporteur's reference to the inhabitants of the southern marsh area of Iraq whom he had called an indigenous population, he said that the term "indigenous population" bore an internationally accepted meaning and could in no way be applied to the people of that area. The information given by the Special Rapporteur concerning the people of the southern marsh area was intended to provide the coalition countries with an excuse to impose a new exclusion zone north of the thirty-sixth parallel so that they could achieve their objective of partitioning Iraq.

6. The Special Rapporteur had failed to differentiate between the original inhabitants of the area who lived simple lives and others who lived there only because they belonged to a band of army deserters or outlaws.

7. With regard to the Kurds, it was well known that the northern area was no longer under the direct control of the central authorities because of the military intervention by the coalition forces.

8. The report of the Special Rapporteur involved a new attempt to send permanent monitors to Iraq to monitor the human rights situation there and, subsequently, to turn the south into an area where the central authorities did not exercise direct control, as was the case in the north at the present time. His delegation therefore appealed to the Commission to oppose that proposal, which was a political weapon used to infringe upon the sovereignty of the State. He regretted that the Special Rapporteur had become involved in an attempt to commit a horrendous crime against the Iraqi people.

9. He called on the Commission to take into consideration the serious consequences of the economic blockade imposed on the Iraqi people and hoped that it would take a decision similar to decision 1992/106 adopted by the Sub-Commission at its forty-fourth session.

10. U TIN KYAW HLAING (Observer for Myanmar) said that since its accession to independence, his country had had two Constitutions. The first had been drafted by a Constituent Assembly and been based on the principle of multi-party parliamentary democracy. The Constitution had not been satisfactory because of certain weaknesses. The second Constitution, adopted by referendum in 1974, had provided for a one-party system with a planned socialist economy. There again, because of certain weaknesses, it had become unworkable. There were 135 national racial groups in Myanmar and if the Constitution was to endure, it must be acceptable to those groups.

11. The State Law and Order Restoration Council had taken over State power to prevent the country from disintegrating. It had given assurances that it would hand over State power at an appropriate time, in accordance with the new Constitution to be drafted by the elected representatives. All in Myanmar agreed that the path to democracy was through the mechanism of a national convention, which was in fact meeting at the present time. It was attended by representatives of the whole strata of Myanmar society and had the task of laying down basic principles to be enshrined in the new Constitution.

12. Democracy could not take root when anarchy reigned supreme. Without law and order there could be no democracy. His Government believed that the country had attained the right atmosphere for laying down the principles and institutions for the establishment of democracy.

13. With regard to human rights in Myanmar, he said that in his country there was no situation where a person had to weave his way through beggars and muggers or step over homeless people in the street and where the large proportion of the people were helpless when they fell ill. His Government was doing its utmost to ensure that the people of Myanmar enjoyed human rights in all their dimensions.

14. The report of the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/1993/37) was totally flawed and completely lacked balance and objectivity. It virtually ignored the positive steps being taken by his Government with regard to the ongoing political process as well as to the uplifting of the economy and the promotion and enhancement of the basic fundamental rights of the Myanmar people. One of the main reasons for that fact was that one of the members who had accompanied the Special Rapporteur on his visit to Myanmar was irrefutably involved in activities against the Government and people.

15. The following statements in paragraph 226 were some examples of non-objectivity in the report referring to the 1982 Myanmar Citizenship Law: "The Special Rapporteur has concluded that the effect of this law is to create conditions which promote statelessness. Categories of persons at high risk of becoming victims of human rights violations may create flows of refugees which overburden other countries and create threats to peace and tranquillity within the region".

16. With regard to the second sentence, he said that Myanmar was a peace-loving nation; a basic tenet of its foreign policy was the principle of peaceful coexistence. Since independence, Myanmar had maintained friendly relations with other countries and had never represented a threat to any country or neighbour. His delegation could catalogue the contributions made by Myanmar to regional and international peace and stability. It was one of the founders of the Non-Aligned Movement and had served with distinction in numerous international organizations concerned with international peace and stability.

17. With regard to the first assertion, there was no truth whatsoever to the claim that the provisions of the law were directed primarily at the Rakhine Muslim population to prohibit them from ever gaining nationality or associate nationality. The Law provided that all residents had the right to apply for naturalized citizenship, associate citizenship and full citizenship in the Rakhine State, like other residents in the country. In Myanmar citizens had the right not only to vote but to stand for election. Associate citizens and naturalized citizens had the right to vote but could not stand as candidates in the general elections. Members of the Commission would be aware of the fact that in many democratic countries a person who was a naturalized citizen had the right to vote but could never become Head of State or Head of Government.

18. Another factual error in the report was the Special Rapporteur's claim that he "was not allowed to see any of the political leaders". That was not true. He had met the Chairman and the Secretary of the National League for Democracy as well as the Chairman and the Joint General Secretary of Shan Nationalities League for Democracy, which were two major political parties, on 10 December 1992.

19. Mr. HALINEN (Finland) expressed his Government's full support for the work of the special rapporteurs and special representatives, which was often difficult and delicate in nature.

20. Recent situations, particularly in Yugoslavia, Cambodia and Somalia, indicated that grave human rights violations were apt to increase the threat to international peace. Clearly, human rights had to be integrated in a much more substantial way in all global and regional peace-keeping, peace-making, early warning and preventive activities. As the abhorrent events in the former Yugoslavia had demonstrated, those responsible for serious violations of basic human rights and international humanitarian law must be brought to trial for their acts. His delegation therefore welcomed the Security Council's decision to establish an international war crimes tribunal in resolution 808 (1993).

21. His Government was pleased to see democracy taking root or consolidating its hold in many parts of the world where non-democratic regimes or outright dictatorships had been commonplace, such as in Latin America and Africa. In its view, democracy based on popular participation, good governance, independent judiciary and rule of law also supported sustainable development.

22. His delegation had been encouraged by developments in Romania, which, with the advisory services of the Centre for Human Rights, had been able to tackle many of the major obstacles to the fulfilment of the new democratic Constitution and an independent judiciary. However, appropriate scrutiny by the international community had to be maintained.

23. In El Salvador, his Government welcomed the end of hostilities, which was a crucial condition for the full enjoyment of human rights. However, that development by itself did not guarantee that human rights violations would not occur. He therefore stressed the importance of the human rights dimension of ONUSAL and supported the work of the Truth Commission, the appointed Ombudsman and the ad hoc Commission. His delegation urged the Government of El Salvador to do its utmost to expedite the purge of military personnel implicated in human rights abuses.

24. In Iraq, the Government had continued its systematic violation of virtually all basic rights of its population. The country was ruled by terror and oppression and even the most modest expressions of opposition to the current leadership were brutally reprimanded. Death sentences and executions were common. The situation of minorities, the Kurds and the Shia in the southern marshes continued to be critical.

25. The Commission should again clearly express its strongest condemnation of the massive violations of human rights for which the Government of Iraq was responsible. His delegation urged the Government to comply with the

International Covenants on Human Rights which it had ratified. It called on the Government of Iraq to abide by the resolutions approved by the Security Council on the situation in Iraq, as that was a prerequisite to any real improvement in the overall situation in the country, including that of human rights.

26. His Government was deeply concerned at the deteriorating human rights situation in Myanmar. According to the report of the Special Rapporteur (E/CN.4/Sub.2/1993/37), defenceless civilians were arbitrarily arrested and even executed. Torture and brutal repression were common and the latest evidence of the Government's intransigence was the refusal to allow a special mission of Nobel Peace Prize Laureates to enter the country. He urged the Government to release immediately the political prisoners, including the Nobel Prize Laureate Daw Aung San Suu Kyi, who was still under house arrest.

27. In Cuba, there was no freedom of speech, of expression or of association. Human rights defenders were subject to continuous harassment. More guarantees were urgently needed in the country's legal system and in the procedure for applying for permission to leave or enter the country. His delegation urged the Government to allow the Special Rapporteur to enter the country and to cooperate fully with him.

28. In Haiti, the military coup that had overthrown the Government of President Aristide, had brought into power an oppressive regime which seemed to have little respect for human rights. The democratically elected President must be restored to office. His delegation noted with satisfaction the cooperation between the United Nations bodies and those of the Organization of American States to promote a solution to the political situation in the country and to enhance the human rights situation there by dispatching a human rights mission to Haiti. It also shared the view of the Special Rapporteur that the situation in Haiti should be continuously monitored by the Commission.

29. In the Islamic Republic of Iran, the Commission's attention was once again drawn to the many shortcomings of several basic rights, in particular the administration of justice, non-observance of the rules of due legal process, and the extended use of death sentences. Although the legal system in the country advocated tolerance of different religions, many Baha'is were still deprived of their basic rights as citizens. Moreover, members of that community were often persecuted and maltreated.

30. His delegation supported the recommendations of the Special Representative and urged the Iranian Government to implement fully the international instruments on human rights and fundamental freedoms. In addition, he reiterated his Government's disapproval of the death decree issued against a British author, Mr. Salman Rushdie, as a totally unacceptable and unjustified act.

31. The attention of the world community had been drawn to the constantly worsening human rights situation in Sudan. His delegation fully supported the draft resolution presented on the situation and considered the appointment of a special representative justified.

32. The deteriorating human rights situation in Zaire gave cause for concern. The world had witnessed several genuine attempts in Africa to achieve democracy, including free and fair elections and multi-party mechanisms. Regrettably, Zaire had not heeded the call by the international community to respect human rights and to begin a democratic process. His country closely followed the human rights situation in East Timor. It condemned the violent incident in 1991 at Dili and acknowledged the investigation carried out quickly. However, it was concerned about the disparity of sentences given to civilians compared with those given to the military. Finland also remained concerned over the denial of access to East Timor by human rights organizations.

33. In China, after the events of 1989, harsh sentences had been passed against those considered as having acted against the Government. Many people were still in prison for exercising their freedom of expression. His delegation, while welcoming the release of a few detainees, urged the Government of the People's Republic of China to discuss its human rights questions in a constructive manner.

34. The situation in Guatemala had improved in the sense that extrajudicial executions and abductions had decreased. However, the overall situation still needed close scrutiny by the Commission. In his delegation's view, an early conclusion of the peace process would bring a solution to the remaining human rights problems.

35. The list of countries which violated human rights was not and could not be exhaustive. Governments bore the primary responsibility for the protection of human rights and fundamental freedoms and must commit themselves to their full implementation. The credibility of human rights mechanisms need to be strengthened, for example, by streamlining their efficiency, while it was of vital importance that more resources and adequate staff should be allocated to the Centre for Human Rights, as well as the different mechanisms, particularly the special rapporteurs.

36. Mr. SOTIROV (Bulgaria) said that the Commission on Human Rights had proved, since its inception, to be an efficient and indispensable instrument for the protection, promotion and implementation of human rights, although it was obvious that much still remained to be done since massive and flagrant violations of human rights continued to occur in many parts of the globe. The Commission was currently facing new and serious challenges produced by the dramatic changes in the world, which along with their potential to promote democracy and the rule of law had led in various countries to the rise of extreme nationalism, racial hatred, xenophobia, religious intolerance and ethnic tensions. The complexity and diversity of human rights situations required more than ever the efficient utilization of the experience accumulated by the United Nations over the years.

37. No country was totally immune to human rights violations. However, the magnitude of some of those violations could even pose a serious threat to regional and global peace and security; the situation in the territory of the former Yugoslavia was a clear example of such a threat. His delegation deemed it necessary to reiterate its categorical condemnation of the systematic breaches of the fundamental principles of international humanitarian law

resulting in massive human rights violations. The international community must express its determination not to yield to the policy of fait accompli and must ensure that the perpetrators of mass and flagrant violations of human rights were brought to justice. His delegation supported Security Council resolution 808 (1993) on the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia.

38. His delegation also wished to voice its serious concern regarding the harassment of minorities in all parts of the territory of the former Yugoslavia, and particularly the Bulgarian minority. Many Bulgarians did not declare their nationality because of psychological pressure, direct intimidation and other violations which affected the personal, material and professional interests of those who actively identified themselves as Bulgarians.

39. His Government was also concerned that the Cyprus question still remained unresolved. It supported the resolutions adopted by the Commission on Human Rights, the Security Council and the General Assembly calling for a comprehensive, just and lasting solution and believed that the mission of good offices of the Secretary-General of the United Nations could play an important role in the efforts to reach a mutually acceptable agreement. In order to increase confidence, every effort should be made to avoid steps which could further complicate the talks between the two communities. The primacy of the norms of international law and the rule of law as the fundamental premise of democracy were not always attainable; without them the first casualties were human rights and fundamental freedoms.

40. With regard to the Middle East situation, his delegation held the view that every effort should be made to overcome the stereotypes accumulated over years of confrontation among the parties involved in the conflict, as well as to avoid all steps that might lead to an aggravation of the situation and pose a danger to the peace talks. It continued to be seriously concerned by the recent increase in violence and the further deterioration of the human rights situation in the occupied Arab territories. It condemned the deportation of hundreds of Palestinians and urged the Israeli Government to comply fully with its obligations under the Fourth Geneva Convention of 1949.

41. The new international political environment had significantly increased the interest of the world public in questions of human rights. It was his delegation's firm conviction that better awareness of human rights was a conditio sine qua non for their effective implementation and protection. The difficult process of the revival of democratic traditions, particularly in eastern Europe had been practically expressed in a radical restructuring of the legal base and in the establishment of national machinery for monitoring human rights and assisting in their protection.

42. Mr. MACRIS (Cyprus) said that the question of human rights in Cyprus had first been placed on the agenda of the Commission in 1975, where it had since remained. He would have liked to have announced some progress in the situation but was unable to do so because Cyprus had become afflicted with a

"question", a geopolitical disease which seemed to spread alarmingly in the contemporary world because the root causes of such "questions" were rarely decisively and effectively addressed by the community of nations.

43. A crucial element for understanding the question of violations of human rights in Cyprus was the fact that they did not result from the existence of an authoritarian state but were the direct result of the military invasion of a small and defenceless country, the Republic of Cyprus, by its mighty neighbour, Turkey, in 1974, the occupation of 37 per cent of the country's territory by Turkish military forces and its continued occupation to date.

44. While the Secretary-General's report (E/CN.4/1993/36) gave a lucid account of the situation and the efforts deployed for the solution of the Cyprus problem since the last session of the Commission, his delegation wished to provide some additional information on massive violations of human rights.

45. In April 1992, the report of the European Commission of Human Rights on the Third Recourse of the Government of Cyprus against the Government of Turkey had been made public, almost nine years after its adoption in October 1983. The Commission found that Turkey's continuing occupation of Cyprus violated articles 5, 8, 14 and 26 of the European Convention as well as Protocol 1, article 1, and had arrived at the following conclusions: in respect of missing persons, Turkey had failed to account for the fate of Greek Cypriots in Turkish custody in 1974; with regard to the displacement of persons and separation of families, Turkey had continued to refuse to allow over 170,000 Greek Cypriot refugees to return to their homes in northern Cyprus while their physical return was prevented by the fact that the demarcation line across Cyprus was sealed off by the Turkish army; concerning deprivation of possessions, Greek Cypriots in the north of the island had been deprived of their property while there had also been interference with the property rights of some 7,000 Greek Cypriots who had moved to the south part of the island since 1976; and in respect of discrimination against the Greek Cypriot community, a policy of ethnic cleansing implemented by Turkey had been confirmed.

46. Since 1974, when freedom of movement and residence had been denied to both Greek and Turkish Cypriots, Turkey had carried out a policy of gradual settlement of the occupied areas by importing Turkish settlers, with the objective of distorting the balance of the island's democracy. The Parliamentary Assembly of the Council of Europe had adopted a recommendation in October 1992 on the report of the Rapporteur of the Committee on Refugees, Migration and Democracy, which documented the massive influx of settlers from Turkey into the occupied territory. The Assembly had considered that the presence of Turkish nationals was an additional obstacle to the peaceful solution of the Cyprus problem. Its recommendation would no doubt contribute to the Cyprus Government's efforts to withdraw all Turkish settlers and restore human rights and fundamental freedoms to the people of Cyprus as a whole. The recommendation had also suggested that a census of the Cyprus population should be carried out, as the Security Council had reiterated in resolution 789 (1992), in order to ascertain the number of Turkish settlers in the occupied area.

47. As a result of the Turkish invasion and occupation, approximately 20,000 Greek Cypriots had remained in the occupied part of the island. In 1993, only a few hundred remained as the result of a persistent policy of harassment, racial discrimination, intimidation and coercion carried out by the Turkish occupation army in order to force the Greek Cypriot enclave to move to the part under government control. Many families were still separated as a result of the forcible division of the country. Due to the refusal of the Turkish occupation authorities to allow the operation of secondary schools for Greek Cypriot children in the enclave, the latter, on reaching the age of 12, had no choice but to go to the government-controlled area to attend school and after a certain age were no longer allowed to return to the occupied area for vacations. Similarly, relatives were not allowed to visit the enclave. The separation of families under such inhuman policies was an example of ethnic cleansing intended to force the remaining Greek Cypriots from their homes.

48. The efforts to divide the Republic of Cyprus on the lines of ethnic criteria were coupled with a deliberate policy of destroying the 9,000-year-old history and culture of Cyprus and transforming the occupied part into another Turkish province. The policy focused on the deliberate change of historic names and the merciless destruction of churches and archaeological sites.

49. A solution to the Cyprus problem was possible provided that the Turkish Government and the leadership of the Turkish Cypriot community showed willingness to cooperate. It was imperative that international standards of human rights should be applied to the problem. The Government of Cyprus remained committed to a bicommunal, federal solution without the presence of foreign troops and settlers, that would safeguard the sovereignty, independence and territorial integrity of Cyprus and fully protect the human rights and fundamental freedoms of both Greek and Turkish Cypriots.

50. Mr. PLORUTTI (Argentina), referring to the situation of human rights in Cyprus, said that a just and appropriate solution should be found, without further delay and should be based on international law, especially the major international human rights instruments, and the implementation of all United Nations resolutions on Cyprus, particularly the right of refugees to return to their homes and property and the clarification of the fate of missing persons.

51. His delegation reiterated its support for the mission of good offices of the Secretary-General; that mission and the relevant report to the Security Council (S/23780) would provide the basis for a negotiated compromise between the parties. The conversations with the leaders of the two communities at United Nations Headquarters in New York between June and November 1992 for an overall framework agreement should continue over the next few months. He urged the parties to set aside some of their positions so that agreement could be reached as rapidly as possible.

52. His delegation considered that the guidelines set out in Security Council resolution 789 (1992) could well generate the necessary confidence for guiding the negotiations towards a solution to the Cyprus problem on the basis of international law. The status quo in Cyprus could not continue and his

delegation urged the parties, particularly the Turkish Cypriots, to embark on the new round of consultations in New York in a spirit of cooperation vis-à-vis the efforts being made by the Secretary-General.

53. In conclusion, his delegation reiterated its hope that the important changes taking place in other parts of the world would also have a decisive influence on a possible solution for Cyprus.

54. Mr. GWAM (Nigeria) said that his country attached great importance to the question of Cyprus and that as a member of the Non-Aligned Movement it would continue to contribute to advancing a peaceful, just and lasting solution to the problem.

55. A substantial intercommunity dialogue should be based on a number of crucial factors, such as compliance with all the relevant United Nations resolutions on Cyprus, the return of refugees to their homes in safety, the tracing of missing persons in Cyprus, the restoration and respect of human rights and fundamental freedoms of all Cypriots, including freedom of movement, freedom of settlement and the right to property, and the establishment of security zones for displaced persons within Cyprus and their protection under the responsibility of the United Nations Peace-Keeping Force in Cyprus.

56. Referring to the Secretary-General's report contained in document E/CN.4/1993/36, his delegation welcomed the fact that substantive discussions had taken place on territorial adjustments and hoped that the parties concerned would be willing to foresee an adjustment in line with the Secretary-General's suggestions embodied in the "Set of Ideas". Efforts had been made over the previous two years to prepare such a "Set of Ideas"; if similar progress could be made on the outstanding issues it contained, particularly territorial adjustment and displaced persons, an overall solution would be within reach. While affirming support for the good offices function of the Secretary-General, his delegation requested that he should intensify his efforts towards a durable solution.

57. On the issue of displaced persons, his delegation welcomed the acceptance by Mr. Denktash of the "principle of the right to return and the right to property". It wholeheartedly endorsed the Secretary-General's conclusion that the continuation of the status quo in respect of Cyprus was not a viable option. It believed that it was necessary for the Security Council to give serious consideration to alternative courses of action in case no agreement emerged from the forthcoming reconciliation talks in October 1993.

58. His delegation also agreed with the Security Council that, as a first step towards the withdrawal of non-Cypriot forces, the number of foreign troops in the Republic of Cyprus should be significantly reduced as well as its defence budget. It commended the United Nations peace-keeping activities and other roles in the Republic of Cyprus and expressed gratitude to the European Community, the International Committee of the Red Cross and the United Nations High Commissioner for Refugees for their efforts in Cyprus.

59. Mr. REDDY (India), calling for a sober rather than a strident debate on the item, reminded the assembly of the accountability of Governments - especially those born of democracy and based on the will of the people (such was the case in India) - where the exercise of human rights was concerned.

60. Nor was the issue the exclusive purview of any single country or group of countries. Promotion of the universal enjoyment of human rights depended on the exchange of views, experience and perspectives. Their implementation was a matter of collective responsibility.

61. As the experience of the developed countries of the West had shown, democracy provided the best political setting for the realization of human rights, while development provided the best economic setting. The right to develop was thus not only a human right in itself, but one of the best guarantees of securing other human rights, both individual and collective.

62. Democratic Governments in many parts of the globe were facing the new and complex problem of terrorism and extremism, which had emerged as a single most dangerous threat to the enjoyment of human rights and as a pernicious force that undermined the free functioning of democratic institutions, whether it be the electoral system, the press or the judiciary. Responsible news reporting could on occasion be eliminated or effectively gagged by terrorists, who mounted deliberate disinformation campaigns in its place: as an example, India itself had in the course of the present session been the target of baseless or exaggerated allegations concerning recent incidents in Jammu and Kashmir, primary responsibility for which lay with those who had launched the campaign of calumny. Respect for the rule of law and the dignity of the human being was the only possible foundation for truly effective safeguards against human rights violations. Massive and consistent pressure of world opinion must be brought to bear on terrorism and subversion, especially when abetted from abroad. Moreover, the human rights field should not be left open to the machinations of terrorists while those dealing with the threats they represented, courageously and in extremely difficult circumstances, were themselves falsely condemned for violations of human rights.

63. The Indian delegation had read with interest and sympathy the commendably frank report by the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46); it merely wished, largely on the basis of what was said therein about that country, to sound a note of caution concerning the Special Rapporteur's statement (para. 16) that it was sometimes very difficult to decide whether an allegation was credible, or whether it was politically or otherwise motivated, and (para. 17) that he transmitted all allegations received unless he had serious grounds to believe that the information provided was not credible. The disinformation capacity of terrorist groups or their supporters was in many cases sophisticated and powerful. India consequently believed that only those allegations should be transmitted that were, prima facie, valid. The report on India unfortunately contained sweeping generalizations. For instance, it reproduced allegations which spoke of "virtual impunity" for security forces; such allegations were surprising since there was no law on impunity. The observation that

violations continued to occur "on a large scale" in India was most unjust as it was based on 95 reported cases, many of which had been found to have been unsubstantiated and several of which were under inquiry. Where abuses were found to have occurred, remedial action was taken by punishing the guilty and paying compensation to the victims.

64. Turning to other parts of the world where the human rights situation was of serious concern, he said that despite a number of positive developments in what was undoubtedly a most delicate process, India remained disturbed by the persistence of the obnoxious practice of apartheid in South Africa; it viewed with similar concern and dismay the setback to the peace process in the Middle East as a result of the deportation of more than 400 Palestinians; it saw tragic irony in the fact that while the trend of the times was to promote human rights and democracy, the regime in Fiji was attempting to institutionalize racial discrimination through a Constitution that abridged the rights of a section of its population; it affirmed its solidarity with the people of Cyprus and fully supported the efforts of the Secretary-General to find a solution which would preserve the sovereignty, unity and territorial integrity of that country; and it shared the shock produced by the wholesale and flagrant violation of human rights in the territories of the former Yugoslavia and would urge the international community to respond urgently and effectively in promoting the rapid restoration of peace and security in the area.

65. In conclusion, he said that human rights must be centred on the person and the dignity of the individual. As the outcome of the present session of the Commission, what would be important was not resolutions adopted in acrimony but whether the right to live in dignity and freedom from want of ordinary human beings around the world had been promoted by the Commission's work.

66. Mr. FAROUQUE (Sri Lanka) remarked upon the perenniality of the question of Cyprus on the Commission's agenda, adding that concern with new divisive tendencies both within and among States should not overshadow the fact that a just solution was long overdue. The non-aligned countries had, a few months ago, at the Summit in Jakarta, reiterated that an overall solution to the question of Cyprus, including the human rights dimensions, could only be achieved through respect for the sovereignty, independence, territorial integrity and unity of that country. The relevant resolutions of the Security Council and the General Assembly offered the best way forward in achieving an overall political and constitutional framework, while it was greatly to be hoped that the inter-communal dialogue shortly to be resumed between the parties, under the auspices of the Secretary-General, would facilitate a common understanding on further action.

67. Concerning the situation in East Timor, which was the subject of an interesting report in document E/CN.4/1993/54, his delegation was encouraged by the cooperative and positive attitude displayed by the Government of Indonesia in addressing the human rights concerns there and other related issues, within the framework of United Nations mechanisms. Governments of Indonesia and Portugal should be encouraged to continue to pursue an acceptable solution through dialogue and confidence-building measures, also under the auspices of the Secretary-General.

68. Mr. VENERA (Czech Republic), speaking for the first time as the representative of a new sovereign State, confirmed that its policy in the field of human rights would be very similar to that of its immediate predecessor, and would be assigned priority in the country's domestic and foreign affairs.

69. The Czech Republic, which warmly appreciated the activities of the Centre for Human Rights under difficult circumstances, set great store by the forthcoming World Conference on Human Rights, which should contribute to the process of constituting a new international order, notably by emphasizing the universality and indivisibility of all categories of human rights, by stressing the importance of enhanced implementation of international human rights standards, by reinforcing international human rights mechanisms and institutions, and not least by winning over the minds of people to the ideas of human rights through serious substantial work and clear and unsophisticated documents.

70. His delegation had hoped that, in view of its importance, the draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms would be ready for adoption at the present session of the Commission; but, despite the efforts of the Working Group, that did not seem likely. It hoped that the draft would be adopted at the Commission's fiftieth session.

71. Concerning the situation in Cyprus, he commended the role played by the United Nations in seeking a just, durable and bilaterally acceptable solution; to his mind, the best chance of success lay in the establishment of relations of mutual confidence between the two communities there.

72. The Czech Republic did not share the view of certain States that questions related to the protection of human rights were to be considered as their exclusive internal affairs. There were also countries that were unwilling to cooperate with some Commission mechanisms. One such country was Cuba, which refused to permit the Special Rapporteur to visit the country in order to fulfil his mandate. The Czech Republic was concerned at continuing violations of fundamental human rights and freedoms, such as freedom of expression, religion and thought and organized attacks on human rights defenders. It commended the efforts of the Special Rapporteur and fully supported his recommendations, as well as the extension of his mandate.

73. The Czech Republic was also especially concerned at the human rights situations in Iraq, Myanmar, Sudan, Somalia, Guatemala, Haiti, East Timor, Zaire and Afghanistan.

74. Flagrant and massive violations of human rights in a traditionally very sensitive part of Europe, the territory of the former Yugoslavia, were a cause of grave concern. After the bitter experiences of two world wars, it was unbelievable that such denials of basic human rights as the existence of detention camps, the mass rape of women, a policy of ethnic cleansing, as

well as other atrocities and inhuman treatment were occurring once again. The Czech Republic welcomed the decision of the Security Council to establish an international criminal tribunal to try cases involving violations of international humanitarian law.

75. Despite the situations he had evoked in his statement, he considered that, the human rights situation was improving in many parts of the world. Albeit complicated, the end of the present century was also a hopeful time; it was his delegation's firm belief and wish that positive developments in more countries would be apparent at the next session of the Commission.

76. Mr. ARTEAGA (Venezuela) said that the promising vista that had opened up with the end of super-Power confrontation had been marred by a resurgence of nationalism and by recent massive violations of human rights. Effective action by the Commission thus took on unprecedented urgency in the eyes not only of States but also of peoples and individuals.

77. Human rights were undoubtedly a sensitive issue for Governments, and it was inevitable that controversy would attend many of the Commission's debates. No country could claim to possess a monopoly of truth; nor, however, was there any valid pretext for Governments to evade their human rights responsibilities. While it could not achieve spectacular results, the Commission should at any rate be able to come up with viable decisions, particularly in the context of agenda item 12. It should thus do its utmost to promote consensus resolutions, so as to secure the cooperation of Governments and the better functioning of its monitoring mechanisms, especially in the run-up to the World Conference on Human Rights. Equally, however, if it was to reflect the full political, economic and social complexity of human rights issues worldwide, the Commission must properly address every item on its agenda, regardless of the objections raised by certain States. A partial view could lead only to partial solutions.

78. Venezuela saw the international struggle to protect human rights as closely linked to the defence of democracy. Though human rights might be abused even under democratic Governments, those rights would always be better protected in a system in which the three branches of power functioned independently and in which organizations for the defence of human rights could function without hindrance.

79. Human rights abuses arose in all countries, and Venezuela was no exception. His Government had made, and would continue to make, substantial efforts to promote those rights and strengthen the rule of law in compliance with its constitutional mandate. In its attempt to strengthen democracy, it was endeavouring to increase the number of judges and government procurators, strengthen the courts, train the forces of law and order in human rights, and overhaul the prison system. Those efforts formed part of Latin America's wider effort to safeguard and strengthen the region's new-found and hard-won democracy, against a background of severe economic crisis. Latin American countries must be guaranteed the economic and social conditions in which democracy and human rights could continue to flourish.

80. The trend towards the establishment of democratic pluralist regimes in the region had received a setback in Haiti by the military coup in September 1991. Since then the human rights situation in that country had worsened considerably, with its people subjected to a tyrannical regime of brutal repression. The international community must continue its efforts to restore the Government of President Aristide. His delegation fully endorsed the conclusions and recommendations contained in the report on the human rights situation in Haiti (E/CN.4/1993/47). Venezuela had worked in regional and supraregional forums to promote concrete measures to solve the crisis by political means. It thus welcomed the recent human rights mission to that country organized by the United Nations and the Organization of American States, the findings of which it awaited with interest. Meanwhile, the Commission must continue closely to monitor the situation in Haiti.

81. Mr. EL-KHAZEN (Observer for Lebanon) said that his country had broken the vicious circle of violence and chaos by restoring law and order to most of its territory. A large portion of southern Lebanon, however, was still controlled by Israel, which deployed its forces, alongside those of the de facto South Lebanon Army thereby proving that its leaders set no store by the Charter of the United Nations, other international instruments or the role and resolutions of the Commission.

82. The living conditions of Lebanese citizens in the area under occupation were deteriorating day by day as a result of Israel's brutal policy of repression, which contravened the principles set forth in the Fourth Geneva Convention, the Hague Convention of 1907 and the Universal Declaration of Human Rights, as well as resolutions of the General Assembly, of the Security Council, and of the Commission. That policy was embodied in actions such as the random and continuous shelling, by tanks and from the air, of camps, villages, schools and places of worship since July 1992. Air raids had also struck at the northern part of the zone in which United Nations forces were deployed. The Israeli and de facto artillery had fired over 6,000 rounds into the area between July 1992 and January 1993. In response to those actions, the Lebanese Government had submitted several complaints to the Security Council, the most recent following Israel's bombardment of dozens of villages using helicopters, long-range artillery and tank fire, resulting in considerable damage to property and loss of life.

83. Further instances of repression included deportations, seizures of property, destruction of crops and homes, and arbitrary arrests and detention. Young people had been compelled to enrol in the South Lebanon Army or forbidden to leave the Israeli-occupied zone under threat that their families' homes would be demolished. Israel had hampered the activities of the Lebanese authorities, had prevented the Lebanese and United Nations armed forces from fulfilling their mission, and had obstructed the humanitarian activities of the International Committee of the Red Cross, in disregard of Commission on Human Rights resolution 1992/2.

84. Those actions had culminated in the extraordinary decision to deport 415 Palestinian civilians to its occupied territories in southern Lebanon, and to insist that Lebanon should bear the burden of those deportations - a further violation of Lebanese sovereignty, and of article 49 of the Fourth Geneva Convention. That decision constituted an arbitrary

collective punishment, and had led to the adoption of Security Council resolution 799 (1993), with which, however, Israel was as usual refusing to comply.

85. Lebanon's position was that resolution 799 (1993) must be implemented without delay. It had refused any contact with the deportees, or the passage of assistance to them, as a reaffirmation that Israel must bear full responsibility for its crime and respect international legality. Israel could not justify its violations by invoking its right to respond to attacks by resistance forces, since the actions of the latter were a natural result of despair caused by the occupation. Resistance, a legitimate right recognized by the Charter of the United Nations, must not be confused with terrorism, and must not be denied to the Lebanese people. Israel must be compelled to comply with international law and to implement the pertinent Security Council resolutions. The International Community must assist Lebanon in recovering its full territorial unity and sovereignty. To that end, Lebanon would submit a draft resolution to the Commission.

86. Mr. PAK Dok Hun (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that in a statement made the previous day on behalf of the Member States of the European Community, the observer for Denmark had made a baseless allegation against his country. That statement appeared to be devoid of sincerity. If the speaker had had any genuine interest in improving human rights throughout the world, he would have expressed some concern at the resurgence of racism and xenophobia in his own part of the world. In view of the observer's total silence on that matter, there was no need for any further comment on his allegation. The fact of the matter was that fundamental rights and freedoms in the Democratic People's Republic of Korea were firmly protected by the Constitution and the pertinent laws. Its people were now the masters of the State and society, and the inviolability of their person and rights were fully guaranteed.

87. Mr. ALFONSO MARTINEZ (Cuba), speaking in exercise of the right of reply, said that earlier in the meeting, the delegations of Finland and the Czech Republic had commented on the human rights situation in Cuba, basing themselves on the most recent report by the Special Rapporteur (E/CN.4/1993/39) which, as his own delegation had already pointed out, was characterized by selectivity and lack of objectivity. With regard to the comments made by the delegation of Finland, he could well imagine the surprised reaction of the thousands of Finnish unemployed who were currently denied the right to work, on reading reports in the Finnish press of the remarks made by the Finnish delegation in Geneva regarding the situation in Cuba. Perhaps those unemployed workers might feel that the Finnish delegation's time would more profitably be spent in accounting to the Commission for the situation regarding fundamental rights in Finland.

88. The case of the Czech Republic was more interesting. On 23 February 1993 a quality Geneva newspaper had published the results of a poll conducted in various countries of Central Europe, according to which around 68 per cent of the population of the Czech Republic were profoundly dissatisfied with the recent changes in their country, considering that they had been totally excluded from participation in the political life of the Republic. What would be the effect on that 68 per cent of the population when they learned that

their delegation was apparently more concerned with the situation in a country on the other side of the Atlantic than with the situation in their own country? He could not but recall the comments of some members of the Czech Parliament who, during the last presidential election, had remarked that with the coming to power of the present Government the country had split into two, and that perhaps, at the next presidential election, it would disappear altogether.

The meeting rose at 9.55 p.m.